## United States Department of Labor Employees' Compensation Appeals Board

P.B., Appellant	)	
and	) Docket No. 21-1	
U.S. POSTAL SERVICE, BULK MAIL CENTER, Jacksonville, FL, Employer	)	7, 2022
Appearances: Leslie Nitsch, for the appellant <sup>1</sup>	Case Submitted on the Re	ecord

## ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On August 17, 2021 appellant sought an appeal from a purported July 14, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-1242.<sup>2</sup>

The Board, having duly considered the matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>3</sup> This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed his appeal.<sup>4</sup>

Office of Solicitor, for the Director

<sup>&</sup>lt;sup>1</sup> In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

<sup>&</sup>lt;sup>2</sup> This case has previously been before the Board. Docket No. 14-557 (issued April 6, 2015).

<sup>&</sup>lt;sup>3</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>4</sup> 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

The Board notes that the case record does not contain a final adverse decision of OWCP dated July 14, 2021. The case record does contain a letter from OWCP dated July 14, 2021 to appellant; however, it merely apprised appellant of the appeal rights accompanying the previously issued decisions and that no further action would be taken until he specified what avenue of appeal he wished to pursue..<sup>5</sup> The most recent final adverse decision of OWCP was dated August 30, 2017, more than 180 days before appellant's current August 17, 2021 appeal and is not subject to review by this Board.<sup>6</sup> As there is no final adverse decision of OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-1242 must be dismissed.<sup>7</sup> Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-1242 is dismissed.

Issued: March 17, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>5</sup> See Order Dismissing Appeal, K.S., Docket No. 20-1401 (issued March 17, 2021); Order Dismissing Appeal, S.U., Docket No. 20-0636 (issued December 3, 2020) (correspondence that is purely informational in nature does not constitute a final adverse decision of OWCP from which appellant may properly appeal).

<sup>&</sup>lt;sup>6</sup> See supra note 4.

<sup>&</sup>lt;sup>7</sup> The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).